

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1257 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 36-8-11-15, AS AMENDED BY P.L.82-2001, SECTION
- 4 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec.
- 5 15. (a) The board:
- 6 (1) has the same powers and duties as a township executive with respect
- 7 to fire protection functions, including those duties and powers prescribed
- 8 by IC 36-8-13, although all cooperative and joint actions permitted by that
- 9 chapter must be undertaken according to this chapter;
- 10 (2) has the same powers and duties as a township executive relative to
- 11 contracting with volunteer firefighting companies, as prescribed by
- 12 IC 36-8-12 and IC 36-8-13;
- 13 (3) shall appoint, fix the compensation, and prescribe the duties of a fiscal
- 14 officer, secretarial staff, persons performing special and temporary
- 15 services or providing legal counsel, and other personnel considered
- 16 necessary for the proper functioning of the district; however, a person
- 17 appointed as fiscal officer must be bonded by good and sufficient sureties
- 18 in an amount ordered by the county legislative body to protect the district
- 19 from financial loss;
- 20 (4) shall exercise general supervision of and make regulations for the
- 21 administration of the district's affairs;
- 22 (5) shall prescribe uniform rules pertaining to investigations and hearings;
- 23 (6) shall supervise the fiscal affairs and responsibilities of the district;
- 24 (7) may delegate to employees of the district the authority to perform
- 25 ministerial acts, except in cases in which final action of the board is
- 26 necessary;
- 27 (8) shall keep accurate and complete records of all departmental
- 28 proceedings, record and file all bonds and contracts, and assume
- 29 responsibility for the custody and preservation of all papers and documents
- 30 of the district;
- 31 (9) shall make an annual report to the executive and the fiscal body of the

1 county that at least lists the financial transactions of the district and a
2 statement of the progress in accomplishing the purposes for which the
3 district has been established;

4 (10) shall adopt a seal and certify all official acts;

5 (11) may sue and be sued collectively by its legal name ("Board of Fire
6 Trustees, _____ Fire Protection District"), with service of process
7 made on the chairman of the board, but costs may not be taxed against the
8 members individually in an action;

9 (12) may invoke any legal, equitable, or special remedy for the
10 enforcement of this chapter or of proper action of the board taken in a
11 court;

12 (13) shall prepare and submit to the fiscal body of the county an annual
13 budget for operation and maintenance expenses and for the retirement of
14 obligations of the district, subject to review and approval by the fiscal body;

15 (14) may, if advisable, establish one (1) or more advisory committees;

16 (15) may enter into agreements with and accept money from a federal or
17 state agency and enter into agreements with a municipality located within
18 or outside the district, whether or not the municipality is a part of the
19 district, for a purpose compatible with the purposes for which the district
20 exists and with the interests of the municipality;

21 (16) may accept gifts of money or other property to be used for the
22 purposes for which the district is established;

23 (17) may levy taxes at a uniform rate on the real and personal property
24 within the district;

25 (18) may issue bonds and tax anticipation warrants;

26 (19) may incur other debts and liabilities;

27 (20) may purchase or rent property;

28 (21) may sell services or property that are produced incident to the
29 operations of the district making a fair and reasonable charge for it;

30 (22) may make contracts or otherwise enter into agreements with public or
31 private persons and federal or state agencies for construction,
32 maintenance, or operations of or in part of the district;

33 (23) may receive and disburse money; ~~and~~

34 (24) may impose a false alarm fee or service charge under IC 36-8-13-4;

35 **and**

36 **(25) has the same powers and duties as a township executive**
37 **relative to special meeting, notice, and emergency matters**
38 **as prescribed by IC 36-6-6-14.**

39 (b) Powers granted by this chapter may be used only to accomplish the
40 purpose or purposes as stated in the ordinance or resolution establishing the district.
41 However, an act of the board necessary and proper to accomplish the purposes for
42 which the district is established is not invalid because it incidentally accomplishes
43 a purpose other than one for which the district is established".
44

45 Renumber all SECTIONS consecutively.

(Reference is to EHB 1257 as printed February 20, 2004.)

Senator WATERMAN